

AMENDED IN SENATE JUNE 2, 2003

AMENDED IN ASSEMBLY MARCH 4, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 179**

**Introduced by Assembly Member Chan**

January 27, 2003

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An act to amend Sections ~~130120~~ 130110, 130120, and 130150 of the Health and Safety Code, relating to child development.

### LEGISLATIVE COUNSEL'S DIGEST

AB 179, as amended, Chan. California Children and Families Commission.

(1) The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by certain surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, the California Children and Families Commission, with specified powers and duties relating to the administration of the act on a state level.

~~Existing~~

*This bill would provide that the state commission may also be known as First 5 California.*

(2) *Existing* law also establishes county commissions for purposes of administering the act on a local level. Existing law requires the state

commission and each county commission, on or before October 15 of each year, to conduct an audit of, and issue a written report on the implementation and performance of, their respective functions during the preceding fiscal year.

This bill would change the date the state commission is required to annually conduct the audit and prepare this report from October 15 to January 31, and would revise the minimum content of the report.

~~(2)–~~

(3) Existing law purports to exempt all professional staff employees of the state commission from civil service.

This bill would eliminate that exemption.

~~(3)–~~

(4) The California Constitution provides that the Legislature may amend an initiative statute by another statute that becomes effective only when approved by the voters unless the initiative statute permits amendment without voter approval. The act provides that it may be amended by a vote of  $\frac{2}{3}$  of the membership of both houses of the Legislature and that all amendments pursuant to this provision shall be to further the act and must be consistent with its purposes.

This bill, in conformance with those requirements, would declare that its provisions further the act and are consistent with its purposes.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 130110 of the Health and Safety Code*  
2 *is amended to read:*

3 130110. There is hereby established a California Children and  
4 Families Commission, *which may also be known as First 5*  
5 *California*, composed of seven voting members and two ex officio  
6 members. For purposes of mass media communications pursuant  
7 to subparagraph (A) of paragraph (1) of subdivision (d) of Section  
8 130105, and statewide dissemination of public information and  
9 educational materials pursuant to subdivision (a) of Section  
10 130125, the state commission may also be identified as the  
11 California Children and Families Partnership.

12 (a) The voting members shall be selected, pursuant to Section  
13 130115, from persons with knowledge, experience, and expertise  
14 in early child development, child care, education, social services,



1 public health, the prevention and treatment of tobacco and other  
2 substance abuse, behavioral health, and medicine (including, but  
3 not limited to, representatives of statewide medical and pediatric  
4 associations or societies), upon consultation with public and  
5 private sector associations, organizations, and conferences  
6 composed of professionals in these fields.

7 (b) The Secretary of the California Health and Human Services  
8 Agency and the Secretary for Education, or their designees, shall  
9 serve as ex officio nonvoting members of the state commission.

10 *SEC. 2.* Section 130120 of the Health and Safety Code is  
11 amended to read:

12 130120. The state commission shall, within three months  
13 after a majority of its voting members have been appointed, hire  
14 an executive director. The state commission shall thereafter hire  
15 any other staff as necessary or appropriate. The executive director  
16 and staff shall be compensated as determined by the state  
17 commission, consistent with moneys available for appropriation  
18 in the Administration Account. The executive director shall act  
19 under the authority of, and in accordance with the direction of, the  
20 state commission.

21 ~~*SEC. 2.*~~

22 *SEC. 3.* Section 130150 of the Health and Safety Code is  
23 amended to read:

24 130150. On or before October 15 of each year, each county  
25 commission shall conduct an audit of, and issue a written report on  
26 the implementation and performance of, its functions during the  
27 preceding fiscal year, including, at a minimum, the manner in  
28 which funds were expended, the progress toward, and the  
29 achievement of, program goals and objectives, and the  
30 measurement of specific outcomes through appropriate reliable  
31 indicators.

32 (a) The audits and reports of each county commission shall be  
33 transmitted to the state commission.

34 (b) The state commission shall, on or before January 31 of each  
35 year, do both of the following:

36 (1) Conduct an audit and prepare a written report on the  
37 implementation and performance of the state commission  
38 functions during the preceding fiscal year, including, at a  
39 minimum, the manner in which funds were expended and the

1 progress toward, and the achievement of, program goals and  
2 objectives.

3 (2) Prepare a written report that consolidates, summarizes,  
4 analyzes, and comments on the annual audits and reports  
5 submitted by all of the county commissions for the preceding fiscal  
6 year. This report by the state commission shall be transmitted to  
7 the Governor, the Legislature, and each county commission.

8 (c) The state commission shall make copies of each of its  
9 annual audits and reports available to members of the general  
10 public on request and at no cost. The state commission shall  
11 furnish each county commission with copies of those documents  
12 in a number sufficient for local distribution by the county  
13 commission to members of the general public on request and at no  
14 cost.

15 (d) Each county commission shall make copies of its annual  
16 audits and reports available to members of the general public on  
17 request and at no cost.

18 ~~SEC. 3.—~~

19 *SEC. 4.* The Legislature finds and declares that this act  
20 furthers the California Children and Families Act of 1998, enacted  
21 by Proposition 10 at the November 3, 1998, general election, and  
22 is consistent with its purposes.

